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P&G Case 7922

#17
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Continuing Prosecution Application of :
GARY (NMN) STEPHENSON : Confirmation No. 5677
Serial No. 09/489,310 : Group Art Unit 1614
Filed January 21, 2000 : Examiner: S. Rose
For KITS COMPRISING A BEVERAGE COMPOSITION AND INFORMATION FOR USE

PRELIMINARY RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Final Office Action dated August 16, 2002, in the parent Application Serial Number 09/489,310, please consider the following remarks. A Request for Continued Examination is filed herewith.

REMARKS

Applicant thanks the Examiner for the consideration given the present application. Claims 11 - 15, 17 - 20, and 22-31 remain in the present Application.

Applicant wishes to reiterate that all elections of species made, either in writing or by telephone, have been with traverse. On page 8, of the Final Office Action the Examiner creates an "ultimate disclosed species" then states that this species was elected with traverse. But the Office Action goes on to say that the "Kit" claims were elected without traverse. This is both untrue and quite impossible. At the time an election was made there were only "Kit" and "method" claims in the application. The "kit" claims were elected. There were not, nor could there have been two elections as suggested by the Examiner. Nonetheless, the point is moot as the method claims were added by amendment in the previous response by the Applicant. The Examiner has entered this